REMARKS

I.   Summary of the Examiner's Action

    A.   Claim Rejections

As set forth in paragraph 2 on page 2 of the January 11 Office Action, claims 15 – 17 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

As set forth paragraph 4 on page 3 of the January 11 Office Action, claims 1, 4 – 7, 10 and 14 – 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2004/0198366 to Crocker *et al.* (hereinafter "the Crocker application") in view of United States Patent Application Publication No. 2006/0002338 to Guo (hereinafter "the Guo application"), and further in view of United States Patent No. 7,310,338 to Foltan et al (hereinafter "Foltan" or "the Foltan patent").

As set forth in paragraph 5 page 13 of the January 11 Office Action, claims 11 – 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crocker application in view of the Guo application and further in view of Foltan and further in view of United States Patent Application Publication No. 2004/0203948 to Provost *et al.* (hereinafter "the Provost application").

These rejections are respectfully disagreed with, and are traversed below.

II.   Applicants' Response – Claim Rejections

      A.   Rejection of Claims 15 – 17 under 35 U.S.C. § 101

Applicants have amended claims 15 – 17 thereby mooting the rejection of these

claims. Applicants respectfully request that the rejection of these claims on this basis be

withdrawn.

      B.   Rejection of Claims 1, 4 – 7, 10 and 14 – 20 under 35 U.S.C. § 103(a)

Applicants reproduce claim 1 for the convenience of the Examiner here (emphasis

added):

        1.   A method for establishing a wireless data transfer
connection between a remote application and a controlling application,
where the wireless link from the remote application is implemented by a
wireless terminal connected to the remote application, the method
comprising:

            arranging a group of allowable connection parameter settings in a
                pre-determined order, each connection parameter setting
                corresponding to a different service bearer;

            attempting to use a default connection parameter setting, wherein
                the default connection parameter setting corresponds to a
                default service bearer;

            detecting that the default service bearer is not usable to establish a
                wireless data transfer connection;

            serially selecting another connection parameter setting for the
                wireless link from the group of allowable connection
                parameter settings in the pre-determined order one-after-
                another until a usable service bearer is identified to perform
                the wireless data transfer; and

> after identification of the usable service bearer and a successful
> wireless data transfer, setting the default connection
> parameter setting to the usable service bearer.

Applicants respectfully submit that the prior art of record neither describes not suggests the emphasized subject matter of claim 1.

The Examiner rightly admits that the combination of Crocker and Guo does not disclose the emphasized subject matter of claim 1 when the Examiner states at page 5, line 6 that "Crocker and Guo fail to teach changing the default connection". The Examiner is in error, however, in concluding that Foltan remedies this deficiency of Crocker and Guo.

The relevant element of Applicants' invention is described at page 9, lines 1 – 9, which is reproduced here (emphasis added):

> "After disconnection of the data transmission in phase 390 a default connection parameter setting will always be defined for the next connection establishment attempt. There are several alternatives: First the original default parameter setting can be restored if it has been changed. Second alternative is that the used connection parameter setting can be set as a new default one. A third alternative is that after a predetermined time the original connection parameter setting is restored. Until that, the last connection parameter setting is used as a default one. Which of the above-mentioned options will be used depends on the configuration of the M2M terminal/module."

The relied-upon art shows no appreciation for this mode of operation. This mode of operation has the particular advantage of not reverting back to a default parameter setting that is already known not to be usable. It is typical that when a service bearer becomes unusable this state persists for a period of time. This aspect of Applicants' invention avoids the waste of time associated with switching away from a service bearer that is already known not to be usable after a successful wireless data transfer has been effected with an alternate service bearer.

As discussed in Applicants' immediately preceding response, the Crocker reference describes a method where an alternate communications link is chosen in a wireless communications network based on network conditions when a default communications link fails. As described in Crocker, the first link is retried after connection condition factors are evaluated before a second link type is tried. If the second link type fails, the method reverts back to the first link type. *See* Crocker, FIG. 2 and para. 38. Guo describes a method where transmission power is incrementally increased until a desired data rate is achieved. Accordingly, at best, when combined, Crocker and Guo describe a system where an alternate communications link is chosen when a default communications link fails based on prevailing network conditions, and where transmission power of a functioning communications link is incrementally increased until a desired date rate is achieved. This combination does not establish a *prima facie* case of obviousness because it does not disclose each and every limitation of claim 1.

Foltan also does not describe or suggest the subject matter of claim 1. In particular, the relied-upon portion of Foltan is reproduced here:

"As noted previously, the SERVICE_SET_DEFAULT_PARAM_CMD command passes down to the a [sic] 340 from the host 260 all necessary operating information to a default configuration area 337 associated with a service 340 prior to the session start command message. Any changes made to the service default configuration 337 will have no affect on a service 340 that is already setup, however any subsequent session setup commands will pick up the new configuration values in the configuration 337."

The discussion here concerns changing the default configuration of a particular service, and not changing a default service parameter that corresponds to the usable service bearer when a previous default service bearer has been found to be incapable of performing the wireless data transfer as is required by claim 1.

That the default service parameters in Foltan concern a particular service, and do not concern a default connection parameter setting that corresponds to a particular service bearer, wherein the default connection parameter setting is changed to a useable service bearer when the initial default service bearer is found not to be able to perform the service as in Applicants' claim 1, is apparent from this portion of Foltan appearing at column 28, lines 9 – 60:

"Service configuration parameters 337, 338 (FIG. 5) are provided for each service 340 as a means for the host 260 to configure and control the operation of a service 340 on a module 250. For each service type that

the module 250 supports, a unique set of configuration parameters (Default set 337 and specific or local set 338) exists that controls the operation of that service 340. Within each configuration parameters set 337, 338, the actual parameters can be divided into two groups: static and dynamic.

Static parameters are those that are established while the service 340 is disabled (i.e., before any data processing occurs). Static parameters do not change while the service 340 is enabled. Dynamic parameters are those which can be altered while the service 340 is enabled and processing data. Dynamic parameters take effect immediately. Each service 340 determines which of its own parameters are static or dynamic. The messaging interface treats both static an dynamic parameters the same, and it is up to the host 260 and service 340 to define how each parameter is expected to be controlled.

Within the module 250, a default configuration set 337 is maintained for each service type 340. The default configuration 337 represents the values used to start the service 340 when the SESSION_SETUP_CMD command is received. Since each service 340 on a module 250 requires a context to initialize itself, the default configuration set 337 is used for this purpose. The default configuration values for each service type can be retrieved or modified using "service set" and "service get" commands, as will be explained. To reference the default configuration parameters 337, the service type must be specified.

Once a service 340 has been set up using the SESSION_SETUP_CMD command, that service 340 has it's own local configuration parameter set 338. That is, once a service 340 is setup, it maintains a distinct set of parameters 338 which are local to that service. Any changes made to the default configuration 337 for the general service 340 at that point do not immediately affect a service 340 that has been setup and that has "copied" the general default configuration 337 into a

local set of parameters 338 for use by that instantiation of the service 340. That is, each set up service 340 maintains its own set of local parameters 338 that are initially based upon the default set 337. Changes to the static parameters of either the default set 337 or the services 340 local set 338 made after a particular service 340 is setup do not effect the set up service 340. However, changes made to dynamic parameters within the local configuration 338 associated with the set up service 340 take effect immediately. Changes made to the static parameters within the local configuration 337 associated with an instantiated service 340 do not take effect unless the service is stopped and restarted."

Accordingly, the relevant subject matter of claim 1 is neither described nor suggested in this portion, the relied-upon portion, or any other portion of Foltan.

As a result of the foregoing arguments, Applicants respectfully submit that claim 1 is patentable over any of the references of record, whether taken singly or in combination. Applicants therefore respectfully request that the rejection of claim 1 be withdrawn. Applicants respectfully submit that independent claims 7, 15 and 18 – 20 are patentable over the art of record both for reasons similar to those set forth with respect to claim 1 and for reasons attributable to their independently-recited features. Applicants therefore respectfully request that the rejection of independent claims 7, 15 and 18 – 20 be withdrawn as well. Applicants further respectfully request that dependent claims 4 – 6, 10, and 14 – 17 are allowable as depending, either directly or indirectly, from allowable base claims.

C.   Rejection of Claims 11 – 12 under 35 U.S.C. § 103(a)

Applicants respectfully submit that the Provost application is not seen to remedy

the deficiencies identified above respecting the combination of Crocker, Guo and Foltan.

Applicants therefore respectfully request that the rejection of claims 11 and 12 be

withdrawn as these claims depend from allowable base claims.

III.   Conclusion

Applicants submit that in light of the foregoing remarks the application is now in condition for allowance. Applicants therefore respectfully request that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

June 11, 2008   _David M. O'Neill_

Date   David M. O'Neill (35,304)

Customer No.: 29683

HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Telephone: (203) 925-9400
Facsimile: (203) 944-0245
Email: DOneill@hspatent.com

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_6 - 11 - 2008_   _Elaine F. Mason_

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